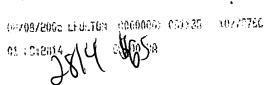
PTC/SB/29 (09-04)
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U.S. Potent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 81687 7734
tn re Application of: Joaquin Romay	
Application No.: 10/772,766	
Filed: February 4, 2004	
Fer: TOE SOCK	,
The owner", Injinji Footwear, Inc. of 100 percent interest in the instant application hareby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6.708.348 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortaned by any terminal disclaimer. The owner hereby agrees that any patent agreement runs with any patent granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the laminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expiration date of the full statutory term as defined in 95 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:	
Is held unenforceable; is found invalid by a court of competent jurisdiction; is statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reasonnination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened to	ry any terminal disclaimer.
Check either box 1 or 2 below, if appropriate.	
For submissions on behalf of a business/organization (e.g., corporation, partnership, university etc.), the undersigned is empowered to act on behalf of the business/organization.	government agency,
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent based thereon.	
2. The undersigned is an attorney or agent of record. Reg. No. 50.869	
Julie Alper	January 27, 2005 Date
Julie A. Hopper	
Typed or printed riame date: 02/03/2003 EFEEYOR	858-552-1311 Teisphone Number
LF [1]]\\Terminal\disclativer tell under 37 CFR 1.20(d) Included.	
195.00 pWARNING: information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	
*Statement under 37 CFR 3.73(b) is required if terminal disctainer is signed by the assignee (owner). Form PTO/SE/86 may be used for making this cartification. See MPEP § 324.	
This collection of information is required by 57 CPR 1,321. The information is required to obtain or retain a barrefit by the public which is to tile (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CPR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including application, prayaring, and submitting the completes application form to BEPTO. Three will very exponding upon the includedual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Christ information Officer, U.S. Patent and Tradement Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22213-1460, OD NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.	

If you need essistance in completing the form, call 1-600-PTO-9199 and select option 2.

PAGE 16/18 * RCVD AT 1/27/2005 7:35:09 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:8585520095 * DURATION (mm-ss):05-08



Adjustnen 02/07/200 01 FC:231

02/07/200 01 FC:281

60 7 7

10/772,766 Amendment

Fees Believed to be Due

The director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 06-1135.

CONCLUSION

Applicants submit that the remarks and Terminal Disclaimer provided herein place the pending claims in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

Date: 1/27/05

Jalie A. Hopper

Reg. No. 50,869

Agent for Applicant(s)

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